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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,343	02/04/2002	Nigel Peter Smith	85116	5889

7590

10/22/2002

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EXAMINER

RAMANA, ANURADHA

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,343

Applicant(s)

SMITH ET AL.

Examiner

Anu Ramana

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference element mentioned in the description: "52" (Page 13, line 4).

The drawings are objected to under 37 CFR 1.83(a) because they fail to clearly show the connection between reservoir 7 and the spigot 11, i.e., where the reservoir terminates and how spigot 11 is engaged thereto, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because of minor typographical errors. In line 1, "can b" should be "can be." Appropriate correction is required.

### ***Claim Objections***

Claim 13 is objected to because of the following informalities. In line 2 of claim 13, it appears that "avoid" should be "a void." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 11 is vague and indefinite because the peripheral wall of the chamber is cylindrical (Page 10, lines 25-28) and is thus circular in cross section.

Claim 20 is indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

*Claims 1-2 and 4-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lampe.*

Lampe discloses a dispenser 1 with a body member 2, a reservoir 4 and a flow restrictor 11 with an inlet side 11a and an outlet side 11b (col. 2, lines 24-36) wherein the active substance contacts the inlet side 11a under gravity and the dispensing surface 6 is spaced from the outlet side 11b (Figure 2, Figure 4 and col. 2, lines 37-45).

In regard to claim 2, a pressure differential is inherent during the normal flow of fluid through dispenser 1.

In regard to claim 4, Lampe discloses that during the flushing operation a portion of the active substance or fluid F enters the flushing water (col. 3, lines 57-59 and col. 4, lines 1-4).

In regard to claims 8-12, Lampe discloses that dispensing surface 6 forms a wall surface of a chamber 13 positioned to receive active substance from the flow restrictor 11 such that chamber 13 is formed at least in part from a porous material (Figure 1, Figure 2 and col. 3, lines 22-34).

In regard to claims 13 and 17-20, Lampe discloses venting means 14 and 12, that maintain a void on the outlet side of flow restrictor 11 (Figure 4 and col. 3, lines 1-21) and that dispensing surface 6 is formed of porous material (Figures 1 and 2 and col. 3, lines 30-34).

In regard to claim 14, Lampe discloses ramp means or slots 21 that increase access of flushing water to porous wall 6 of chamber 13 (Figure 2 and col. 3, lines 52-57).

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In regard to claims 15 and 16, Lampe discloses that reservoir 4 is mountable on body member 2 (col. 3, lines 48-52) and release means (14, 12) control the flow of active substance from reservoir 4 to the dispensing surface 6 (col. 3, lines 1-21).

*Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by Kervedo et al.*

Kervedo et al. disclose a dispenser (Figure 1) with a reservoir 10 and a flow restrictor (26, 36) such that when the toilet is flushed, air is forced through the outlet side 26 of the flow restrictor into reservoir 10, thereby displacing a dose of active substance 12 through the inlet side 36 of the flow restrictor.

### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anu Ramana whose telephone number is (703) 306-4035. The examiner can normally be reached on 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0975.

AR  
October 21, 2002



10/21/02

GREGORY HUSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700